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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,901	08/30/2000	Mariusz H. Jakubowski	MS1-516US	2176

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EXAMINER	
VAUGHAN, MICHAEL R	
ART UNIT	**PAPER NUMBER**
2131	

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/651,901	JAKUBOWSKI ET AL.	
	Examiner	Art Unit	
	Michael R Vaughan	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 June 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *8-30-00* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detail Office Action

Claims 1-40 have been full reconsidered and are pending. Newly added claims 41 and 42 have been considered.

Response to Amendment

Amendments to claims 10 and 26 warrant the withdrawal of the previous 35 USC §112 rejection.

Response to Arguments

Applicant's arguments filed 6-4-04 have been fully considered but they are not persuasive.

Applicant alleges that Ackerman and Richardson neither teach determining a checksum for the function based at least in part on mapping contents of the register to the set of inputs on page 16 of the response. Examiner respectfully disagrees. Examiner maintains that Richardson teaches this limitation in column 17, lines 60-67. Richardson clearly discloses a checksum in a register, which is mapped to 33 input bytes. It is obvious that the bytes are electrical signals of a circuit and as such as wired inputs.

Applicant alleges that Ackerman and Richardson neither teach generating a checksum on bytes of a digital good without reading the bytes. Examiner respectfully disagrees. Examiner maintains that Richardson teaches this limitation in column 17, lines 60-67. Richardson teaches that accumulating a checksum but does not disclose reading the bytes. Examiner contends the argument diverges into the actual functioning of adding bytes with circuit logic. Clearly an argument can be made either way as to whether adding is reading. Examiner does not believe that adding input signals is reading bytes. The storing of data from an input signal to a register does not imply reading the bytes. Electrical signal on input lines cause transistors to change state which in turn cause a register to change its logical displacement. Examiner finds no clear use of reading in this type of interaction. Richardson does not say bytes are stored in memory and then are placed into registers for operating on those bytes. Therefore, Examiner maintains that Richardson does not teach reading the input bytes.

Applicant alleges that Ackerman and Richardson neither teach a production server configured to apply oblivious checking to each of a plurality of segments in an original program on page 20 of the response. Examiner respectfully disagrees. Ackerman teaches a production server in Figure 1, element 10. Ackerman also teaches the server being configured to identify a plurality of segments, which are the locations in machine code where the variables need to be saved or where the sequential flow does not match that of source code (col. 4, lines 42-44). Richardson in column 17, lines 60-67 teaches the checking an application by its checksum. Examiner maintains it would have been obvious to use this teaching of checksum within Ackerman system because

it would allow verification to all data. Further more this very teaching would also catch code that had been tampered with in contrast to Applicants allegations on page 22.

Claim Rejections - 35 USC § 103

Claims 1-4, 6-7, 10-20, 22-23, and 26-42 are rejected under 35 USC 103(a) as being unpatentable over Ackerman (USP 6,256,777) in view of Richardson (USP 5,054,787).

The specifics to the rejections for claims 1-4, 6-7, 10-20, 22-23, and 26-40 can be found in the previous office actions filed 3-5-04.

As per claims 41 and 42, the combined teaching of Ackerman and Richardson as combined in the rejection of claims 1 and 16, teach the determining the checksum so that if the function is changed the checksum will also change (Richardson, col. 17, lines 60-67). It is obvious that the checksum will change with any change of the input because checksum are collision resistant.

Claims 5 and 21 are rejected under 35 USC 103(a) as being unpatentable over Ackerman (USP 6,256,777) in view of Richardson (USP 5,054,787) as applied to claims 1 and 16 above, in further view of Suzuki et al (USP 5,809,306).

The specifics to the rejections for claims 5 and 21 can be found in the previous office actions filed 3-5-04.

Claims 8-9 and 24-25 are rejected under 35 USC 103(a) as being unpatentable over Ackerman (USP 6,256,777) in view of Richardson (USP 5,054,787) as applied to claims 1 and 16 above, in further view of Kolawa et al (USP 6,085,029).

The specifics to the rejections for claims 8-9 and 24-25 can be found in the previous office actions filed 3-5-04.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ayaz Sheikh whose telephone number is 703-305-9648. The examiner can normally be reached on M-F 7:00-3:30. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael R Vaughan
Examiner
Art Unit 2131

MV

EMMANUEL L. MOISE
PRIMARY EXAMINER